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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,279	09/24/2003	Letha M. Callahan	4366-134	6588

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Douglas W. Swartz
SHERIDAN ROSS P.C.
Suite 1200
1560 Broadway
Denver, CO 80202-5141

EXAMINER

INGBERG, TODD D

ART UNIT	PAPER NUMBER
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2193

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/671,279

Applicant(s)

CALLAHAN ET AL.

Examiner

Todd Ingberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/24/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/24/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1 – 26 have been examined.

Information Disclosure Statement

1. The Information Disclosure Statement filed September 24, 2003 has been considered.

Drawings

2. The drawings filed September 24, 2003 have been considered.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 – 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The current focus of the Patent Office in regard to statutory inventions under 35 U.S.C. § 101 for method claims and claims that recite a judicial exception (software) is that the claimed invention recite a practical application. Practical application can be provided by a physical transformation or tangible result. No physical transformation is recited and additionally, the final result of the claim is for testing software which is not a tangible because it does not produce a claimed tangible result. The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf>

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN # 6,826,716 B2 Mason In View of USPN 7,1278,641 B1 Anderson.

Claim 1

Mason teaches a software-controlled computational component for processing input data (Mason, Abstract), comprising:

a control program for controlling the operation of a first computational component (Mason, Fig 1, #102); and

an input for input data (Mason, col 10, lines 20-65) and an output for output data (Anderson, c1, lines 24 – 36 – markup output), wherein each of the control program script (Mason, Figure 1, Test Programs), the input data, and the output data are expressed in a markup language (Anderson, Fig 4 and 5). Mason provides a teaching of enterprise markup constructs and Anderson provides outputting to a markup language. Therefore, would have been obvious to one of ordinary skill in the art at the time of invention to combine Mason and Anderson, because output in the form of a markup language provides for a more interactive presentation.

Claim 2

The software-controlled computational component of Claim 1, wherein the first computational component is operable to simulate a second computational component. Mason, Col 1, lines 24 – 36.

Claim 3

The software-controlled computational component of Claim 2, wherein the second computational component is a configurator. Mason, Fig 1, Test generator.

Claim 4

The software-controlled computational component of Claim 3, wherein the input data comprises a plurality of forms, materials, macros, and prototypes. Mason, col 7, lines 28 – 46.

Claim 5

The software-controlled computational component of Claim 3, wherein the output data comprises a test script and a simulated materials report. Anderson, Figure 4 and Figure 5.

Claim 7

The software-controlled computational component of Claim 6, wherein the machine code comprises a plurality of tags and the plurality of tags belong to at least one of the following classes: function, control, object, procedure, condition, method, statement, and attribute. Mason, col 5, lines 1 – 10 and col 7, lines 38 – 46.

Claim 8

The software-controlled computational component of Claim 1, wherein the first computational component is a configurator. As per claim 3.

Claim 13

A software-controlled method for processing input data, comprising:
providing input data; and
executing a control program which sets forth rules for processing the input data to generate output data, wherein each of the control program script, the input data, and the output data are expressed in a markup language. As per claim 1.

Claim 14

The method of Claim 13, wherein in the executing step the control program is operable to simulate the operation of a different computational component: As per claim 2.

Claim 15

The method of Claim 14, wherein the simulated computational component is a configurator. As per claim 3.

Claim 16

The method of Claim 15, wherein the input data comprises a plurality of forms, materials, macros, and prototypes. As per claim 4.

Claim 17

The method of Claim 15, wherein the output data comprises a test script and a simulated materials report. As per claim 5.

Claim 19

The method of Claim 13, wherein the machine code comprises a plurality of tags and the plurality of tags belong to at least one of the following classes: function, control, object, procedure, condition, method, statement, and attribute. As per claim 7.

Claim 20

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The method of Claim 13, wherein the control program is a configurator.
As per claim 18.

Claim 21

The method of Claim 20, wherein the input data is associated with a sales order and wherein the executing step comprises:

based on the input data, retrieving at least one of forms, materials, macros, and prototypes; and

determining from the input data and the at least one of forms, materials, macros, and prototypes a list of components associated with the order. As per claim 4.

Claim 23

The method of Claim 13, wherein the executing step comprises the step of simulating a second different computational component. As per claims 12.

Claim 24

The machine code operable to perform the steps of Claim 13. USPAT is for a software patent presumed validate and reduced to practice.

Claim 26

The method of Claim 20, wherein the input data comprises a requirement specification written in the markup language. AS per claim 12.

Allowable Subject Matter

7. Claims 6, 9 – 12, 18, 22 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 6

The software-controlled computational component of Claim 5, further comprising:

a test harness tool operable to execute the test script and provide simulated input to the configurator to produce a configurator materials report; and a difference engine operable to compare the simulated materials report against the configurator materials report to identify differences there between.

Claim 9

The software-controlled computational component of Claim 8, further comprising:

a network server operable to receive requests from a network browser and forward the request to a queue manager; and

the queue manager operable to create a message queue for the transaction

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associated with the request and write the request to the message queue.

Claim 10

The software-controlled computational component of Claim 9, wherein the machine code for the queue manager is written in a markup language.

Claim 11

The software-controlled computational component of Claim 10, wherein the network server is operable to convert output from the configurator from a first markup language to a second different markup language.

Claim 12

The software-controlled computational component of Claim 11, wherein the first markup language is Extensible Markup Language and the second markup language is Hypertext Markup Language.

Claim 18

The method of Claim 17, further comprising: executing the test script to produce a simulated configurator input;

providing the simulated configurator input to the configurator to produce a configurator materials report; and

comparing the simulated materials report against the configurator materials report to identify differences there between.

Claim 22

The method of Claim 21, further comprising: receiving the input data in a request from a network browser,

converting the input data from a second markup language to a first different markup language;

writing the request comprising the converted input data to a message queue, wherein the executing step is in response to the writing step;

writing a response to the message queue, the response being associated with the output data; converting the output data from the first markup language to the second markup language; and forwarding the converted output data to the network browser.

Claim 25

The method of Claim 22, wherein the first markup language is Extensible Markup Language and the second markup language is Hypertext Markup Language.

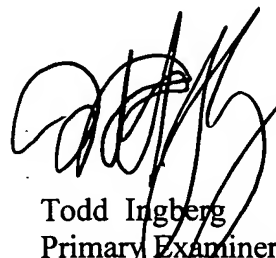
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Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Todd Ingberg
Primary Examiner
Art Unit 2193

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